THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.16313 OF 2007

DATED 31st JULY 2007

BETWEEN:

Nune Krishnaveni

… Petitioner

AND

The Tahsildar, Jaggampeta Mandal, East Godavari District.

… Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16313 OF 2007

ORDER:

The petitioner is allegedly owner of land admeasuring an extent of Acs.0.25 in survey No.24/6 situated at Katrevulapalli Village, Jaggampeta Mandal, East Godavari District having purchased the same under a registered sale deed bearing document No.546/2001, dated 11.04.2001 from Sri Kanaka Lakshmi. He has been in possession and enjoyment of the land. The respondent herein initiated action under the provisions of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity), and issued notice, dated 04.05.2007, in Form I under Rule 3 of A.P.Assigned Lands (Prohibition of Transfers) Rules, 2007 calling upon petitioner to show cause as to why he should not be summarily evicted from the assigned lands. After receiving notice, petitioner submitted explanation on 10.07.2007 and the Tahsildar is yet to pass orders. In the meanwhile, it is alleged that respondent is trying to evict petitioner without passing order under Section 4 of the Act. Hence, he filed instant writ petition assailing notice issued by first respondent on 04.05.2007.

Learned counsel for petitioner does not dispute against the show cause notice, a writ petition would not lie. He, however, submits that first respondent without passing orders under Section 4 of the Act is trying to evict petitioner, and therefore, petitioner is constrained to file present writ petition.

After perusing affidavit accompanying the writ petition and giving anxious consideration to submissions made by learned counsel, this Court is not able to accept the writ petition. When first respondent has not passed any orders under Section 4 of the Act, the question of evicting petitioner does not arise. The first respondent shall pass necessary orders immediately before taking any steps for evicting petitioner.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO,J)

31.07.2007.
pln